

ADMINISTRATIVE RECORD INDEX FOR NPDES PERMIT NN0000019

1. NPDES Permit Application Forms and supplementary information submitted by Permittee dated October 05, 2005.
 - 1.1 NPDES Permit supplementary information
 - a. Letter from APS to Martha Segall, EPA HQ January 4, 2005. Re: 316(b) Phase II Rule.
 - b. Letter from Dept. of Fish and Wildlife to Carl Woolfolk, APS. February 18, 2005
 - c. Letter from APS to Nancy Yoshikawa, EPA April 18, 2005 Re: Proposal for Information Collection (PIC) by APS and attached PIC dated April 2005
 - d. Letter from EPA to David Saliba, APS, July 6, 2005. Re: PIC
 - e. Letter from APS to Doug Eberhardt, EPA August 1, 2005. Re: FCPP, 316(b) PIC. Response to EPA letter dated July 6, 2005.
 - f. Letter from APS to Doug Eberhardt, November 8, 2015, Re: Permit Renewal Application amendment
 - g. Letter from APS to Nancy Yoshikawa, EPA, November 29, 2006 Re: Reconsideration of Classification of the APS FCPP under 316(b)
 - h. Letter from APS to Doug Eberhardt, EPA, December 11, 2009 Re: NPDES Permit Change in Signatories
 - i. Letter from EPA to David Saliba, APS March 07, 2007 Re: Response to APS letter dated November 29, 2006
 - j. Letter from APS to Doug Eberhardt, EPA May 4, 2007 Re: Permit Renewal Application; Corrections
 - k. Letter from APS to Doug Eberhardt, EPA November 17, 2009 Re: Permit Renewal; Corrections and Permit Change Requests.
 - l. Letter from APS to Glenn Sakamoto, EPA April 25, 2011, Re: Five-day follow-up letter for minor spill.
 - m. Letter from APS to Doug Eberhardt, EPA August 8, 2011 Re: NPDES Permit Signatory Change
 - n. Letter from APS to Doug Eberhardt, EPA August 10, 2011 Re: NPDES Permit Signatory Change
 - o. Results of Chronic Toxicity Tests on Effluent from APS FCPP Collected 20-24 August, Aquatic Consulting & Testing Inc.
 - p. Letter from APS to Glenn Sakamoto, EPA December 21, 2012, Re: Five-day follow-up letter for minor spill.
2. NPDES Permit Re-Application Forms and supplementary information submitted by Permittee dated February 15, 2013.
 - a. Letter from EPA to APS requesting submittal or a new revised application. October 30, 2012.
 - b. Priority Pollutant Scan Data October-December 2012.

- c. Compliance Evaluation Inspection Report for APS Four Corners Power Plant. August 9, 2012.
 - d. Email from APS to EPA re: Questions about Morgan Lake Intake August 08, 2014.
 - e. Correspondence between APS and EPA re: Toxicity monitoring frequency reduction May 05, 2003 and June 30, 2003.
- 2.1 NPDES Permit supplementary information
 - a. Letter from APS to David Smith, EPA Re: New Product Testing Approval for Anodamine as substitute for Hydrazine March 15, 2103.
- 3. EPA NPDES Permit Writers Manual (EPA-833-B-96-003, December 1996).
- 4. EPA Technical Support Document for Water Quality-Based Toxics Control (EPA/505/2-98-001, March, 1991).
- 5. Interim Final Regions 9 and 10 Guidance for Implementing Whole Effluent Toxicity Testing Programs, May 31, 1996.
- 6. Standards Documents for Permit Development:
 - a. ELG Standards. Title 40 Code of Federal Regulations. Part 423. November 19, 1982.
 - b. Navajo Nation Surface Water Quality Standards 2007. Passed by Navajo Nation Resources Committee May 13, 2008.
 - c. Memo to file from re: reasonable potential analysis November 10, 2014.
 - d. Final Regs to Establish Requirements for Cooling Water Intake Structures at Existing Facilities, August 15, 2014
 - e. Memo from Deborah G. Nagle, EPA re: CWA 316(b) Regulations for Cooling Water Intake at Existing Facilities. December 11, 2014.
 - f. Technical Development Document for the Final 316(b) Rule, May 2014.
- 6.1 Supplemental Standards Documents etc. for Permit Development
 - a. Memo to file from re: Updated reasonable potential April 22, 2019
 - b. Summary of data from Navajo EPA during public comments (see 10.)
 - c. Final Regs to Establish Requirements for Cooling Water Intake Structures at Existing Facilities, August 15, 2014.
 - d. Preamble final Rule ELG FR November 3, 2015
 - e. Postponement Rule 316(b) FR September 18, 2017
- 7. ESA Documents including:
 - a. Amendment to Four Corners Power Plant/Navajo Mine Project Biological Assessment. OSMRE. March 13, 2015.
 - b. Four Corners Power Plant and Navajo Mine Energy Project Biological

- Assessment. Final. Office of Surface Mining Reclamation and Enforcement (OSMRE). August 20, 2014.
 - c. List of endangered, threatened and proposed species that may occur in project area. Consultation Tracking Number: 02ENNM00-2014-SL1-0511. September 02, 2014.
 - d. Letter to Joel Lusk, USFWS, New Mexico Ecological Services Field Office from Gary Sheth with attached copy of the NPDES Permit Application received from APS. June 23, 2014
 - e. Final Biological Opinion for the Navajo-Gallup Water Supply Project. February 26, 2009.
 - f. Evaluation for the Need for Fish Passage at the APS and Fruitland Irrigation Diversion Structures. Final Report. October 2005.
 - g. Memo to file re: ESA consultation November 10, 2014.
- 7.1 Additional ESA Documents
- a. Memo to file re: Updated Review of Information & Literature for ESA April 28, 2019.
 - b. Species by County Report April 28, 2019
 - c. Canada Lynx Recovery Outline. Report. September 14, 2005.
 - d. Email from Joel Lusk, USFWS to Tom Hagler, April 23, 2019.
8. APS Four Corners Power Plant. Documents re: groundwater data presentation. April 2013.
9. Public Notice materials prepared for Public Notice on November 13, 2014. and Public Workshops and Hearing conducted on December 15, 2014 and December 16, 2014.
10. Comments Received
- a. Comments from Law Office of John M. Barth, February 18, 2015. Two CDs attached.
 - b. Comments from Thomas Livingston, APS, January 8, 2015
 - c. Email from Steve Austin, NNEPA to Gary Sheth, January 7, 2015 with attached data spreadsheet.
 - d. Email from Steve Austin, Navajo Nation EPA (NNEPA) to Gary Sheth, April 19, 2019 with attached updated data spreadsheet.
 - e. Public Hearing materials (in English and Dine) including Notice of hearing, summary of action, speaker cards, sign-in sheets (no oral comments or written comments received at hearing) December 15 and 16, 2014.
11. Pumping Plan for Water from San Juan to Morgan Lake
- a. Email from Neal Brown, APS June 5, 2018. Two attached documents
 - b. Email from Jeffrey Allmon, APS June 5, 2019. Three attached documents

12. FCPP/Navajo Mine Energy Project NEPA Environmental Impact Statement Documents including:
 - a. Presentation from APS & BHP Navajo Coal Company on the Four Corners & Navajo Mine Energy Project (FCPP & NMEP)
 - b. Letter from OSMRE to Ben Shelly, President, Navajo Nation June 7, 2012 Re: OSMRE to be lead agency on FCPP & NMEP
 - c. Letter from David Smith, EPA to Marcello Calle, OSMRE October 11, 2012, Re: NHPA and NEPA Consultation for FCPP & NMEP
 - d. Letters from OSMRE dated:
 - i. December 20, 2013 (Preliminary EIS)
 - ii. March 28, 2014 (Draft EIS)
 - iii. May 5, 2015 (Final EIS)
 - e. All FCPP & NMEP documents are also available in the link provided in the interim letter.
13. Programmatic Agreement for NHPA Section 106
 - a. Memo to file January 7, 2015 Re: Programmatic Agreement for FCPP under Section 106 of National Historic Preservation Act (NHPA)
 - b. Signed NHPA Final Programmatic Agreement for the FCPP & NMEP December 23, 2014
 - c. Letter from Gary Sheth, EPA to Jeremy Illif, OSMRE January 15, 2015 Re: Transmittal of Signed Programmatic Agreement.
14. Jurisdictional Status of Morgan Lake Documents including:
 - a. Federal Register Part 328 Definition of Waters of the United States June 29, 2015
 - b. Email from Deanna L. Cummings, Army Corp. of Engineers (AOE) to Tom Hagler, EPA January 4, 2019 Re: Status of Morgan Lake
 - c. Memo to file July 20, 2017 Re: Morgan Lake Status
 - d. Email from Jeffery Allmon, Pinnacle West, to Tom Hagler re: Maps and historical pictures area containing Morgan Lake with attachments March 17, 2017
 - e. Decision Document from EPA Approval of Navajo Nation Application for treatment as a state (TAS) for 303 (c) and 401 of the CWA.
15. CWA Section 401 Certification
 - a. Letter from Jeffrey Jenkins, Plant Manager, APS to Tomás Torres, Director Water Division, EPA March 27, 2019 Re: Water Quality Certification for renewal for FCPP NPDES Permit
 - b. Letter from Alexis Strauss, Water Division Director, EPA to Joe Shirley, President of Navajo Nation, March 26, 2009 Re: Approval of Navajo Water Quality Standards
 - c. Memo from Elizabeth Goldman, EPA to Gary Sheth, EPA May 30, 2018 Re: CWA 401 Waiver for FCPP Permit
 - d. Email from Patrick Antonio, NNEPA to Gary Sheth May 31, 2017 Re:

Morgan Lake and 401 Cert. with three attachments.

16. FCPP-Navajo Mine Biological Conservation Measures Workgroup Documents including:
 - a. BO Conservation Measures Implementation Kick Off Meeting Agenda January 26-27, 2016
 - b. BO Conservation Implementation Committee Meeting Minutes May 3, 2016
 - c. BO Conservation Measures Implementation Meeting Agenda December 6, 2016
 - d. Discharge Screen Feasibility Study APS Burns and McDonnell (Undated)
 - e. SJRRIP FY2017 Budget Estimates
 - f. Spill Contingency and Countermeasures Plan APS Presentation December 19, 2017. With FCPP Ash pond EAP on Disc.
 - g. Letters from EPA to OSMRE Re: BO Annual Report Status of EPA actions:
 - i. March 31, 2017
 - ii. May 28, 2018
 - iii. May 20, 2019
 - h. Letters from OSMRE to USFWS Re: BO Annual Report
 - i. May 19, 2017
 - ii. May 30, 2018
 - iii. May 30, 2019
17. Final Issuance Package June 2018 including:
 - a. Final Permit,
 - b. Final Factsheet
 - c. Final Response to Comments
18. Documents shared with Western Environmental Law Center re: RTC
 - a. Letter to Gary Sheth, EPA from Daphne Place-Hoskins September 18, 2015 Re: BHP Billiton NPDES Permit No. NN028193
 - b. Email to John Barth from Gary Sheth, July 9, 2018 with attached memo dated 7-20-17
 - c. Email to John Barth from Gary Sheth July 3, 2018 with four attachments responding to 1-4 of 5 documents requested
 - d. Email to John Barth from Gary Sheth July 13, 2018 responding to 5 of 5 documents requested.
19. Western Environmental Law Center Appeal to EAB documents
 - a. All documents in the EAB docket are available in the link provided in the interim release letter.
 - b. Notice of Withdrawal of FCPP Permit December 19, 2018
 - c. Petition for Writ of Mandamus May 23, 2018

20. Public Notice Materials prepared for April 2019
 - a. Public Notice in the Navajo Times and Farmington Daily Times April 25, 2019.
 - b. Three Letters notifying APS, USWS, and OSMRE re: the publication of the proposed permit and fact sheet. April 30, 2019
21. APS ELG Statement and Supporting Docs
 - a. Email from Jeffrey Allmon, Pinnacle West to Gary Sheth and Dustin Minor, EPA April 4, 2019 Re: Updated ELG Project Summary
 - b. Meeting Notice, Jeffrey Almon, Pinnacle West March 25, 2019 Re: walk-thru of attached schematic related to ELG Project.